



Practitioner's Docket No. 47506 (71095)

RECEIVED  
AUG 31 2001  
TECH CENTER 1600/2900  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marchionni et al.  
Serial No.: 09/756,481  
Filed: January 8, 2001  
For: METHODS FOR TREATING NEUROLOGICAL INJURIES AND DISORDERS

Box Sequence  
Assistant Commissioner for Patents  
Washington, D.C. 20231

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE

*(check and complete this item, if applicable)*

1. ☒ This replies to the Office Letter DATED August 13, 2001.

NOTE: *If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.*

☒ A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Christine C. O'Day

*(type or print name of person signing below)*

state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are

*(check each item as applicable)*

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.

- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.:

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other application)

(this application)

*NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. 1.821(e).*

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).
- F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME**

**AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is

- ☐ a small entity. A statement:  
☐ is attached.  
☐ was already filed.  
☒ other than a small entity.

**EXTENSION OF TERM**

6.

*NOTE: "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).*

*NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.*

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

*(complete (a) or (b) as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension  
(months)

Fee for other than  
small entity

Fee for  
small entity

<input type="checkbox"/>	one month	\$110.00	\$ 55.00
<input type="checkbox"/>	two months	\$390.00	\$ 195.00
<input type="checkbox"/>	three months	\$890.00	\$ 445.00
<input type="checkbox"/>	four months	\$1,390.00	\$ 695.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

[X] An extension for 3 months has already been secured (on August 6, 2001), and the fee paid therefor of \$ 890.00 is sufficient for extending the period for response until August 29, 2001. Thus, no further extension fee is necessary.

Extension fee due with this request \$ 0.00

**AND/OR**

(b) [X] Applicant believes that no further extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### **FEE PAYMENT**

8. ☐ Attached is a check in the sum of \$ \_\_\_\_\_.

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

### **FEE DEFICIENCY**

9.

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

**SIGNATURE(s)**

Christine C. O'Day  
(type or print name of person signing statement)

Christ C. O'Day  
Signature

August 27, 2001  
Date

Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
EDWARDS & ANGELL, LLP  
P.O. Box 9169  
P.O. Address of Signatory

Boston, MA 02209

(If applicable)

Tel. No.: (617) 439-4444  
Reg. No. 38,256

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)
- ☐ Registration No.
- ☐ Other

(specify identity of person signing)

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_  
Reel \_\_\_\_\_ Frame \_\_\_\_\_

Reg. No.

Tel. No.: (    )

Customer No.:

#118272

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**SIGNATURE OF PRACTITIONER**

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*(type or print name of practitioner)*

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P.O. Address



#8  
RECEIVED  
AUG 27 2001  
Docket No. 47566271 (95)  
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marchionni et al.  
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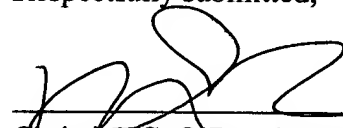
HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, DC 20231

SIR:

**STATEMENTS IN SUPPORT OF FILING AND  
SUBMISSIONS IN ACCORDANCE WITH 37 CFR §§1.821 - 1.825**

In accordance with 37 CFR §§1.821 - 1.825, I hereby state that the content of the paper, computer-readable copies of the sequence listing submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same.

Respectfully submitted,

  
Christine C. O'Day (Reg. 38,256) Peter F. Corless  
Dike, Bronstein, Roberts & Cushman (Reg. 38,600)  
Intellectual Property Practice Group  
P.O. Box 9169  
Boston, MA 02109  
(617) 439-4444

Date: August 27, 2001

# Raw Sequence Listing Error Summary

## ERROR DETECTED

## SUGGESTED CORRECTION

SERIAL NUMBER: 09756481A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1      Wrapped Nucleics  
    Wrapped Aminos  
The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2      Invalid Line Length  
The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3      Misaligned Amino  
    Numbering  
The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4      Non-ASCII  
The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5      Variable Length.  
Sequence(s)      contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6      PatentIn 2.0  
    "bug"  
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s)     . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7      Skipped Sequences  
    (OLD RULES)  
Sequence(s)      missing. If intentional, please insert the following lines for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
This sequence is intentionally skipped  
  
Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8      Skipped Sequences  
    (NEW RULES)  
Sequence(s)      missing. If intentional, please insert the following lines for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 9      Use of n's or Xaa's  
    (NEW RULES)  
Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10      Invalid <213>  
    Response  
Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11      Use of <220>  
Sequence(s)      missing the <220> "Feature" and associated numeric identifiers and responses.  
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12      PatentIn 2.0  
    "bug"  
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13      Misuse of n  
n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

AMC/MH - Biotechnology Systems Branch - 08/21/2001

The type of errors shown exist throughout the Sequence Listing. Please check subsequent sequences for similar errors.